

## REMARKS

The present application was filed on August 24, 1999 with claims 1 through 26. Claims 1 through 26 are presently pending in the above-identified patent application. Claims 1, 3, and 5 are proposed to be amended herein.

5 In the Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicates that claims 6-26 are allowed.

### Section 112 Rejections

10 Claims 1-5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that the term “nominal” in claim 1 is a relative term which renders the claim indefinite. The Examiner asserts that what is “nominal” for one system may not be “nominal” for another system. The Examiner further  
15 asserts that, using Applicant’s remarks “that ‘nominal’ is a term used to describe behavior as being with expected norms or design is also an indefinite definition, since norms or designs are different and changes system to system ”

As Applicant noted in the Appeal Brief dated March 29, 2007, “nominal” is defined as a term used to describe functional behavior as being within expected norms, or as  
20 designed, according to the IEEE Standard Dictionary of Electrical and Electronics Terms, Sixth Edition. Thus, “nominal” is a term that is well understood in the art, and thus a person of ordinary skill in the art would be reasonably apprised of the scope of the invention.

Regarding the Examiner’s assertion “that ‘nominal’ is a term used to describe behavior as being with expected norms or design is also an indefinite definition, since norms or  
25 designs are different and changes system to system,” Applicant notes that, since a person of ordinary skill in the art would understand the expected norms for a particular design, the term “nominal” provides a standard for ascertaining the requisite degree and therefore does not render the claim indefinite. In any case, claims 1, 3, and 5 have been amended to replace “nominal”

with "expected." Support for this amendment can be found in the definition of the term "nominal," and on page 6, lines 14-21; page 7, line 14, to page 8, line 5; and page 11, lines 17-23, of the originally filed disclosure.

5 Applicant believes that this amendment addresses the Examiner's concerns and respectfully requests that the section 112 rejection be withdrawn.

All of the pending claims, i.e., claims 1 through 26, are in condition for allowance and such favorable action is earnestly solicited.

10 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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